

REMARKS

Claims 1-33 are now pending in the subject U.S. patent application. Claims 1-33 as filed have been subjected to a Restriction/Election Requirement. It is also asserted the application does not comply with the requirements of 37 CFR 1.821-1.825 because it contains nucleotide and/or amino acid sequences, as defined in 37 CFR 1.821(a)(1) and (a)(2), not also set forth in a sequence listing.

Applicants have attached herewith a sequence listing on paper and on CRF along with a statement affirming the contents of the paper copy and the CRF are identical. Applicants have also amended the specification to reference the sequence listing as appropriate. No new matter has been added.

In response to the Restriction/Election Requirement, applicants have elected the claims of Group I, claims 1-8 and 11-19, for prosecution at this time. The claims of Group I have further been restricted into several groups of species. In response to the species election requirement, applicants have elected (a) adjust rate diffusion; (b) enzymes; (c) restriction enzymes; (d) nucleic acid.

Applicants hereby reserve the right to file one or more divisional patent applications directed to the unelected subject matter.

Applicants attach herewith a sequence listing on paper and on CRF along with a statement that what is contained on the paper copy and the CRF are the same. No new matter has been added.

CONCLUSIONS

Should there be any minor issues outstanding in this matter, the Examiner is respectfully requested to telephone the undersigned attorney. Early passage of the subject application to issue is earnestly solicited.

Application Serial No.: 10/047,438

Deposit Account

The Commissioner is hereby authorized to charge any fees associated with the filing of this correspondence to Deposit Account Number 50-0426.

Respectfully submitted,

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